

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHERYL FOTI,
DENNIS MCCULLOUGH and
CYNTHIA LOFTUS,

Plaintiffs,

v.

ORDER
10-CV-575

CITY OF JAMESTOWN BOARD OF
PUBLIC UTILITIES AND
CITY OF JAMESTOWN,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1). Defendants filed a motion to dismiss. On August 15, 2011, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motion be denied.

Defendants filed objections to the Report and Recommendation on September 9, 2011 and plaintiffs filed a response thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion to dismiss is denied. The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: October 17, 2011